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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,171	03/09/2004	Edward D. Cline	NC 96090	1043
26493	7590	09/22/2005	EXAMINER	
NAVAL AIR SYSTEMS COMMAND (MARK GLUT & JOHN LEWIS)			MCCALL, ERIC SCOTT	
DEPARTMENT OF THE NAVY			ART UNIT	
47123 BUSE ROAD, UNIT IPT			PAPER NUMBER	
BUILDING 2272/SUITE 257/AIR-7.7.2			2855	
PATUXENT RIVER, MD 20670-1547			DATE MAILED: 09/22/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,171

Applicant(s)

CLINE ET AL.

Examiner

Eric S. McCall

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

MULTIPLE ENGINE TEST SYSTEM

FINAL OFFICE ACTION

In response to the Applicant's amendment dated July 20, 2005.

CLAIMS

35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Cascio (5,547,304).

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With respect to claim 1, Cascio suggests a multiple engine test system (col. 1, lns 22-26), comprising:

- a. a removable engine test bed system (4) for holding and testing a specific engine type, the engine test bed system comprising testing components (22/22a) for the specific engine type;
- b. a mounting frame (6), the removable engine test bed system “able” to rest on top of the mounting frame (Fig. 1); and
- c. a handling system (2) for transporting the engine test bed system from storage to the mounting frame (col. 3, lines 8-23).

With respect to claim 2, Cascio suggests an engine interface harness for adapting specific engine connections to universal testing connections and components (col. 3, lines 29-35).

35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cascio (5,547,304).

With respect to claims 3 and 4, Cascio fails to explicitly teach an exhaust duct that intakes discharge from the engine's exhaust.

However, it would have been obvious to one having ordinary skill in the art armed with said teaching to include with the Cascio teaching an adjustable exhaust duct that collects any discharge from the engine's exhaust.

The motivation being that when the engine of Cascio is tested engine exhaust will result, and as such, any and all engine exhaust will need to be collected from the engine's exhaust system and removed from the testing site due to the fact that engine exhaust is very well known to be harmful to one's health and thus harmful to anyone in the vicinity of the engine test site.

With respect to claim 5, Cascio suggests a multiple engine test system (col. 1, lns 22-26), comprising:

- a. a removable transportable engine test bed system (4) for holding and testing a specific "aircraft engine type" (Cascio teaches the testing of an internal combustion engine and an internal combustion engine is an "aircraft engine type" as claimed), the transportable engine test bed system comprising testing components (22/22a) for the specific aircraft engine type;

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b. a mounting frame (6), the engine test bed system “able” to rest on top of the mounting frame, the transportable engine test bed system removable from the mounting frame (Fig. 1);

c. a handling system (2) for transporting the engine test bed system from storage to the mounting frame (col. 3, lines 8-23); and

e. an engine interface harness for adapting specific engine connections to universal testing connections and components (col. 3, lines 29-35).

Furthermore, element “d” as claimed parallels that of claims 3 and 4, and thus would have been obvious over Cascio in view of the same reasoning as set forth above with respect to claims 3 and 4.

With respect to claims 6 and 7, Cascio suggests an engine test bed system comprising a support beam (6), a support column (10), a top beam member (2), and a top member connecting beam (12) in relation to one another as is claimed.

Cascio fails to teach a plurality of such beams, columns, and members.

However, it would have been obvious to one having ordinary skill in the art armed with said teaching to use a plurality of such beams, columns, and members.

The motivation being that by using a plurality of beams, columns, and members in place of a single beam, column, and member the rigidity, strength, and durability of the test system would be increased.

With respect to claim 8, Cascio suggests the mounting frame (6) comprising a platform (base of 10) and a pedestal (vertical support of 10) with the pedestal disposed on top of the platform.

With respect to claim 9, Cascio suggests a mounting frame including a pedestal.

Cascio fails to teach two pedestals as claimed.

However, it would have been obvious to one having ordinary skill in the art armed with said teaching to use a plurality of pedestals as claimed.

The motivation being that by using a plurality of pedestals in place of a single pedestal the rigidity, strength, and durability of the test system would be increased.

With respect to claims 10 and 12, Cascio teaches the handling system comprising a rail system which can transport the engine test bed system and the engine (Fig. 1).

Cascio fails to teach the rail system being an overhead hoist.

Nonetheless, it would have been obvious to one having ordinary skill in the art to use an overhead rail system in place of the rail system as taught.

The motivation being that both rail systems operate in the same fashion with the only difference being the location of the rail and corresponding components wherein the use of overhead hoists to transport an engine are very well known in the art.

With respect to claim 11, the connectors and adapters (Fig. 1) in the Cascio teaching are interpreted as being standardized connectors and adapters as claimed.

RESPONSE TO ARGUMENTS

(35 U.S.C. § 102)

The Applicant's arguments regarding the 35 USC 102 rejection have been considered but have not been found to be persuasive.

The Applicant has first argued that the prior art fails to teach the added claim limitation of a removable engine test bed system. The Examiner disagrees. The Examiner has relied on the base (4) of the prior art as the engine test bed system as previously claimed. In response, the Applicant has amended the limitation of the engine test bed system to be a "removable" engine test bed system.

Nonetheless, the Examiner contends that the prior art suggests that the engine test bed system is removable as now claimed. Specifically, the base (4) of the prior art is removable from the rail (2), the connection (12), as well as the engine (M). In other words, the engine test bed system (4) of the prior art can be separated from the engine (M), the connections (12), and the rail (2) and thus is "removable" as claimed because the Applicant has failed to claim what the removable engine test bed system is removable from.

Next, the Applicant has argued that element (2) of the prior art (ie. the removable engine test bed system) does not include items that can test an engine. However, the Examiner points out that the Applicant has not claimed that the removable engine test bed system includes items that can test an engine. The Examiner points out that it is improper to import limitations from the specification into the claims when those limitations themselves are not present in the claims.

Next, the Applicant has argued that the prior art fails to teach an apparatus where the engine test bed system is able to rest on top of the mounting frame. The Examiner has relied upon element number (6) to indicate a mounting frame. The Examiner points out that element (6) specifically refers to an engine test station and not to a frame per se. However, the Examiner points out that the engine test station (6), much like the other test stations inherent from the prior art's disclosure, includes a frame (the base, the vertical beam, and the top, 10, which can all be seen in Fig. 1) which attaches the rail (2) to the floor. Thus element (6) includes a mounting frame in which the removable engine test bed system (4) is "able" to rest on top of as claimed.

(35 U.S.C. § 103)

Again the Applicant's arguments have been considered but have not been found to be persuasive.

The Applicant first argues that the prior art of Cascio fails to suggest a removable engine test bed system that can hold and test an engine or an engine test bed system that rests on a

mounting frame (claim 5). The Examiner disagrees for the reasoning presented above with respect to claim 1.

The Applicant next argues (claims 6/7) that the engine test bed system (4) of Cascio cannot hold and test an engine. The Examiner disagrees citing Fig. 1 of Cascio as suggesting otherwise.

Next, the Applicant argues (claims 8/9) that Cascio does not teach a mounting frame that can hold an engine test bed system and thus an engine. The Examiner disagrees again citing the vertical beam (ie. mounting frame) in Fig. 1 of Cascio as suggesting otherwise.

Finally, the Applicants arguments (claims 10/12) that Cascio does not teach a handling system is not persuasive because the engine test bed system (which is interpreted as element 4) is transported via rail (2) as claimed.

(Declarations)

The Applicant's declarations have been considered and taken into account. However, the declarations are not persuasive because the Applicant's "claimed invention" does not distinguish over the prior art.

CONCLUSION

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric S. McCall whose telephone number is (571) 272-2183.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric S. McCall
Primary Examiner
Art Unit 2855
Sep. 20, 2005